RECENT IMPORTANT DECISIONS.

ARMY AND NAVY—ENLISTMENT OF MINOR—DISCHARGE.—When X was about two years old his mother gave to petitioner "full control, care and custody and complete management" of the infant, petitioner agreeing to "raise, support and educate " him. At the age of eighteen years and seven months, X enlisted in the United States army. REV. STAT., § 1117 (U. S. COMP. STAT., 1909, p. 813) provides that no person under twenty-one years of age shall be mustered into the service of the United States without the consent of his parent or guardian provided he has such. Here a brother of X, claiming to be his guardian, had furnished the necessary consent, neither his mother, who was then living, nor this petitioner consenting to the enlistment. Petitioner applied for the discharge of X on a writ of habeas corpus, and, during the pendency of the action, regularly adopted X. *Held,* that petitioner is entitled to secure the discharge. *Deane* v. *Burkman* (1911), 190 Fed. 541.

The statute here in question has repeatedly been held to be solely for the benefit of the guardian, conferring no privileges even upon the minor. *Solomon* v. *Davenport,* 30 C. C. A. 664, 87 Fed. 318. The Federal courts have consequently held that one who has become guardian since the enlistment of the minor has not the right to secure his discharge: "The sole question is whether this petitioner who has become guardian since his (the minor's) enlistment is entitled to avoid it. In my opinion he is not. One who was a guardian at the time of enlistment is referred to." *In re Perrone,* 89 Fed. 150. To the same effect is *In re Morrissey,* 137 U. S. 157, 11 Sup. Ct. 57, 34 L. Ed. 644. The court has refused to apply to the facts in this case the rule of the two cases mentioned, distinguishing this case on the ground that the petitioner has, for years, stood *in loco parentis,* although a legal adoption was not had previous to the enlistment.

ARREST—AUTHORITY TO ARREST WITHOUT WARRANT—"IN HIS PRESENCE."—"WITHIN HIS IMMEDIATE KNOWLEDGE."—Plaintiff, suspected of having stolen money, was arrested, taken to the police station, and there imprisoned until the next afternoon, without the issuance of any warrant. Section 917 of the Penal Code is as follows: "An arrest may be made for a crime by an officer, either under a warrant or without a warrant if the offense is committed *in his presence,* or the offender is endeavoring to escape, or for other cause there is likely to be a failure of justice for want of an officer to issue a warrant." The only ground of justification was that the crime was committed in the officer's presence. *Held,* to justify the arrest without a warrant the officer need not see the act, which constitutes the crime, take place, if by any of his senses he has personal knowledge of its commission as the words "in his presence" as used in Penal Code, § 917, and the words "within his immediate knowledge" as used in § 921 are synonymous. *Piedmont Hotel Co.* v. *Henderson* (Ga., 1911), 72 S. E. 51.

Although the necessity of an immediate arrest to prevent the escape of